

REMARKS

Claim 7 is pending in the above-identified application and is amended herein. No new matter has been added.

TELEPHONIC INTERVIEW

Applicants thank the Examiner for conducting a telephone interview with Applicants counsel on April 11, 2007. Applicants are most appreciative for the time and clarification the Examiner provided.

DOUBLE PATENTING

The Examiner provisionally rejected claim 7 for obviousness-type double patenting over claim 1 of U.S. Patent No. 6,658,589. Applicant respectfully disagrees but requests that the double patenting rejection be held in abeyance pending the resolution of the Examiner's rejections under 35 U.S.C. §102.

REJECTION UNDER 35 U.S.C. §102

Claim 7 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,449,367 to Bamford et al. (hereinafter referred to as "Bamford"). Applicant respectfully traverses this rejection.

Claim 7 has been amended to clearly disclose a backup process, as contrasted with a recovery process. Claim 7, as amended, has further been amended to positively recite providing a local redo log in local storage for said node, said node including information regarding data in said shared database.

Claim 7 clearly recites a method of performing a backup operation, where the data is backed up, rather than a recovery process where the data is recovered after a fault occurs. In claim 7, the backed up data is from a shared database and a local redo log, and this data is used *to provide backup data*.

The present invention teaches the backup utility “is able to accept the names of multiple archive log 34 directories at configuration time. It then keeps these names in a ddtab (distributed database table) for this database 40. Backup scripts and configuration parameters are also updated to include these multiple directories. If no archive log 34 directories are specified, the default is to discover the archive log 34 directory in the usual method of discovery (using the archive log list command). However if an archive log 34 directory is specified, no discovery is done, and only the backup of the directories specified at configuration time is performed. The existence of the specified archived redo log directories will be validated at database discovery time. Since each of these archive log 34 directories is available from the chosen backup host, there is no requirement to know about the other nodes in the parallel server database configuration.” See page 8, lines 5-15. Here, the method of a backup process rather than a recovery process, is disclosed, and it is more clearly recited in the claims as amended herewith.

As discussed in the telephone interview with the Examiner on April 11, 2007, Bamford discloses a *recovery process*. Contrary to Bamford, claim 7, as amended, recites a *backup process*. A recovery process is a process where data is recovered, or brought back when once missing or unfound. According to Merriam-Webster Online, to recover means “to get back”. Contrastingly, a backup process is a process where data that is stored in one place is also stored in another place, in a backup area. According to Merriam-Webster Online, a backup is one that serves as a substitute or a support. One skilled in the art would know that a recovery process and a backup process are distinct from one another.

Therefore, Applicants submit that claim 7 is patentable over Bamford and is in condition for allowance. Applicant respectfully requests that the Examiner withdraw this rejection.

CONCLUSION

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested.

No extension fee is believed due. However, if an extension of time is needed in this case, please treat this paper as such. Authorization is hereby given to charge deposit account 50-0369 in connection with any fees or extension of time or any other fee that may be necessary to permit entry of this response.

Respectfully submitted,

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